

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARY BETH HARSHBARGER,	:	CIVIL ACTION
	:	
PETITIONER	:	NO.: 3:09-CV-00487
	:	
VS.	:	
	:	
MICHAEL R. REGAN, UNITED STATES	:	JUDGE VANASKIE
MARSHALL FOR THE MIDDLE DISTRICT OF	:	
PENNSYLVANIA; ERIC HOLDER,	:	
ATTORNEY GENERAL OF THE UNITED	:	
STATES; SUSAN TORRES, ATTORNEY-	:	
ADVISOR, OFFICE OF THE LEGAL	:	
ADVISOR, UNITED STATES DEPARTMENT	:	
OF STATE; HILLARY RODHAM CLINTON,	:	
SECRETARY OF STATE OF THE UNITED	:	
STATES,	:	
RESPONDENTS	:	NO.: 3:09-CV-00487

EMERGENCY MOTION FOR CONTINUED BAIL PENDING APPEAL

AND NOW, comes the Petitioner, Mary Beth Harshbarger, by and through her counsel, PAUL P. ACKOUREY, ESQUIRE, and respectfully moves this Honorable Court for continued bail pending appeal in the above-captioned case. In support thereof, it is averred as follows:

1. By Memorandum and Order of April 13, 2009, this Court denied the petitioner's habeas corpus petition filed under 28 U.S.C. §2241. Ms. Harshbarger is to surrender herself to the custody of the U.S. Marshal on April 27, 2009.

2. It is submitted that the underlying issues of the habeas corpus petition in question are serious and substantial in nature, having led to a split of opinion

within the Middle District of Pennsylvania regarding the sufficiency of hearsay evidence alone in finding probable cause for extradition purposes.

3. The appeal Ms. Harshbarger intends to file, therefore, will address issues in great need of clarification through review by the United States Court of Appeals for the Third Circuit.

4. It is anticipated that the appeal in question will be subject to review by the Third Circuit for several months at least.

5. Ms. Harshbarger is a life-long resident of the Middle District of Pennsylvania, has no prior criminal history, and cares for two young children and a severely handicapped adult child, for whom she is the sole care giver.

6. It is submitted that Ms. Harshbarger is not a flight risk or a danger to the community. She has posted \$100,000.00 in property bail to further ensure that she will not flee the jurisdiction. Her care-giving responsibilities provide special circumstances that would further warrant continued bail on appeal.

7. Both the extradition magistrate and this Court have granted her release status thus far. She has not fled. She has made her required court appearances and has complied with the conditions of her supervision by the U.S. Probation Office.

8. It is submitted that it would make little sense, under the circumstances, to incarcerate her while she awaits the decision of the Third Circuit on her anticipated appeal.

9. Accordingly, Ms. Harshbarger requests that this court grant her continued bail pending appeal in the above-captioned case.

WHEREFORE, the petitioner Mary Beth Harshbarger moves this Honorable Court to issue an Order granting her continued bail pending appeal until such time that the United States Court of Appeals for the Third Circuit issues a decision on her anticipated appeal.

RESPECTFULLY SUBMITTED:

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